M'INTYRE REPLIES IN MINING CASE

Conflicting Statements Made Brothers-in-Law Regarding Ajax Mining Stock.

In the action brought by J. T. Donahue against his brother-in-law, Samuel McIntyre, in which 20,000 shares of stock in the Ajax Mining company is involved, the defendant yesterday filed an answer in the District court denying he used fraud or misrepresentation in securing any kind of a settlement from the plaintiff.

The complaint which was filed last-Nevember alleged that McIntyre had induced the plaintiff, his brother-inlaw, to turn over 20,000 shares of stock to aid him in controlling the policy of the Ajax Mining company, of which McIntyre was to be the general man-ager. In consideration of the transfer, it is alleged, an agreement was entered into whereby the defendant agreed to the stock without cost to the

carry the stock without cost to the plaintiff.

It is further alleged that in March, 1896, the defendant soid 10,000 shares of the stock of the plaintiff, for which it is believed he secured \$10,500. In November of that year, the plaintiff avers, that McIntyre with the express purpose of inducing him to execute a receipt in full for the stock and with intent to defeated the plaintiff, represented that he still held the stock, that it had cost him considerable money to carry it and that it had no real value owing to the disension that existed in the directory of the company. Donahue claimed that the defendant induced him to accept sufficient stock at 66 cents per share to sufficient stock at 68 cents per share to equal \$4220 as a full and fair settle-ment, and told him to immediately sell

the stock, as it had no real value.

He asked that the court rescind the receipt given, that an accounting be had and that the plaintiff be given udgment for what should be found due

In his answer McIntyre denies that his brother-in-law was the owner of stock to exceed 10,000 shares in the Ajax company or that he represented the plaintiff that if he would transfer any stock to him it would ald him in controlling the policy of the com-pany. McIntyre further denies that the plaintiff was deceived or that the plain-iff relied upon any representations made by him in regard to their relationship, or that any of the representa-tions made were false or untrue, in the plaintiff's receipting in full for all

The defendant also holds that the plaintiff's cause of action is barred by provisions of the civil proceedure of the State, and asks that the complaint be dismissed for want of equity and that he secure judgment for costs.

BRUCE JOHNSON USED A DEADLY WEAPON

Bruce Johnson, colored, entered a plea of guilty to the charge of unlawfully using a deadly weapon, in the District court yesterday and was sentenced to pay a fine of \$150 by Judge Morse. He was given the alternative of serving 150 days in the county jail, but he raised the money and was dis-

used a gun in a fight with a white man saloon on January 19th. He was bound over to the District court on the charge of assault with a deadly weapon with McLoyd the detendant entered pleas of over to the District court on the charge of assault with a deadly weapon with intent to do bedily harm. District Attorney Elchnor, however, reduced the charge to unlawfully using a deadly weapon and a plea of guilty was entered by the defendant.

Upon motion of the defendant's attorney, F. C. Leofbourow, Mr. Elchnor offering no objection, the above fine was imposed in lieu of committing the defendant to tall.

defendant to jail.

BROWN CASE AGAIN **NEXT TUESDAY MORNING**

The case of the State vs. Arthur Brown, charged with the crime of adultery, alleged to have been committed with Mrs. Anna M. Bradley, was set by Judge Morse yesterday for Tuesday morning. At that time the defendant will be required to enter his plea to the informations against him if he cannot secure a postponement, for which, in the light of his former ac-tions, he will make a hard fight. The case has been dragging in the District court for many months. The defend-ant secured continuances from time to ant secured continuances from time to time on one pretext or another and finally appealed to the Supreme court for a writ of prohibition. The petition was denied and there is no reason why the case should not be brought to trial at once. Mrs. Bradley has already pleaded guilty to the offenses charged against Brown.

WADDELL, THE CONVICT, SAYS "NOT GUILTY"

Henry Waddell, the convict, pleaded not guilty to the three informations against him when arraigned in the District court yesterday merning, and his against him yesterday in the District March 14th. The informations against Waddell charge him with escape from the State prison, grand larceny and with assault with a deadly weapon with intent to do bodily harm. The court will appoint an atterney to defend the con-

Waddell is one of the convicts who led Waddell is one of the convicts who led the prison break at the penitentiary on October 9, 1903. He assaulted Guard F. C. Naylor at the time with a revolver and stole a gold watch from Guard Zebulon Jacobs. He managed to get over the wall, but was captured before getting away. The prisoner is now serving a ten-year term for burgiary and assault with a deadly weapon. The convict was brought into court, securely handcuffed, by Acting Warden Wright and Guard Ure. District Attorney Eichard Fridborn was killed with an axe New Year's even 1901 while at handcuffed, by Acting Warden Wright and Guard Ure. District Attorney Elchnor has not determined when he will ar-

ODELL DOES NOT WANT / DREYFUS GRANTED TO HEAD COMMITTEE

sere throat, Gov. B. B. Odell today abandoned his proposed trip to Washington to consult with President Roomvelt, and returned to Albany, at the same time positively putting himself out of line for the chairmanship of the National Republican committee.

"Nothing has been settled yet," the Governor said as to his acceptance of the State chairmanship, and this mat-ter is still under consideration. In mentioning the permanent abandon-ment for the present of the Washing-ton trip, Gov. Odell also made an em-

party in this State that I cannot settle rayself without assistance if I wish, and the President isn't apt to call on me to settle the affairs of the Nation. I shall not go to Washington for some time, as I have several engagements up the State and there is nothing I wish to see the President about that is ur-

est or that will not keep."
"Will you accept the National chair-anship?" he was asked. "No. I never had any such idea," he replied. "It is not the kind of work I am looking for and I would not accept it if it were offered to me on a silver

I was told of a citizen who once got nocked in a faro game, and in the cus-

tomary endeavor to extricate himself he

went to a pawnbroker and scaked his

watch. But since it would be necessary

to explain to his friends that his ticker

was out of repair and had been left at

Irrigation experts are said to be on their way from Washington to take up the irrigation plans in dead carnest this time. It is sincerely hoped they will not be induced to return under the impression that the Mormon question has become so acute that the people will not give them a fair reception.

According to the church organ, Apostle Heber J. Grant is in Europe to look after some of the business of the church. He is reported to have had pressing personal interests in the other world also At least an officer with a warrant wanted him a few hours before he left on a charge of polygamous cohabitation, but the aposite had that fact tipped off to him in time to catch a passing train. But Mr. Grant doubtlessly would disclaim it.

President Smith adds to the number of

To a man up a tree it would look as though the morals of the town had been given a brindle cast.

The News says Murderer Rose is hav-ing a thorny path. It is likely to have a Fourth of July finish, too,

raign the other prisoners implicated in

FILED A PETITION FOR HABEAS CORPUS WRIT

James H. Clark, who is serving a four-year term in the State penitentiary for grand larceny, filed a petition for a writ of habeas corpus in the District court yesterday. Clark, along with his brother and Z. Graham, were tried for robbing a man named Johnson of about \$75 in a Commercial street saloon. The petitioner and Graham were found guilty of grand larceny, while Albert Clark was found guilty of receiving stolen property. The petition is based on the ground that the defendant is being unlawfelly restrained of his libeling unlawfelly restrained of his libbeing unlawfully restrained of his liberty, because his brother was convicted of a lesser crime. It was argued by At-torney D. H. Truman and taken under advisement by Judge Morse.

SUIT OVER OWNERSHIP OF A CASH REGISTER

The ownership of a cash register is The ownership of a cash register is the matter involved in a suit filed in the District court yesterday by Fred C. and Marie A. Lyndburg against Ed Bolander. The complaint alleges that on July 31, 1903, the plaintiffs gave the possession of the cash register to the defendant as security for a debt of \$65. The bill of sale executed by the plaintiffs provided that the register could be redeemed upon payment of \$65 on or before September 1, 1903.

It is alleged that a verbal agreement

It is alleged that a verbal agreement was entered into on September 1st ex-tending the time of redemption until December 30th; that after the first date the plaintiffs paid \$28 to the defendant, and that on December 21st tendered the balance due of \$39, but that the defendant refused to receive the money or to deliver the possession of the register. The plaintiffs ask judgment for the

recovery of the register or for \$150, the value thereof in case delivery cannot

Court Notes.

Suit for divorce was instituted yea-terday in the District court by Lars F. Frome against Sophia Frome on the ground of desertion. The complaint re-cites that the couple were married in this city in July, 1960, and that in August, that year, the defendant ordered the

plaintiff to leave their home and has refused to live with him since that time.

W. A. and Lucian A. Ray brought
suit in the District court yesterday
against the partners in the firm of A.
Holt & Sons to recover \$654.82 alleged
to be owing for hay and grain delivered
to the defendant to 1903. to the defendants in 1902. Suit to quiet title to a piece of mi-ning ground in the West Mountain mi-

ning district was filed in the District court yesterday by G. Lavagino against the St. Joe Mining company. The ground in controversy lies between the Yes You Do lodge and the Uhlig No. 5

Judge Lewis yesterday granted a de-Johnson was charged with having used a gun in a fight with a white man named P. J. Burns in the Red Onion

> not guilty to the five informations against him and his case was set for trial on Wednesday, March 16th. The defendant is charged with housebreak-

REMARKABLE SURGICAL OPERATION ON NEGRO

PHILADELPHIA, March 5 .- Thomas Emerson, a colored man, who was stabbed in the heart Monday by his sweetheart, has been the subject of an unusual operation. His heart was lifted out of the body and six stitches were taken to close the big gash made by the negress' knife. The organ was replaced and Emerson is recovering.

After the assault Emerson walked without assistance to the hospital, a distance of five blocks, and was put under the influence of ether as soon as the wound had been examined. The cut made in the heart was a large

one and required six stitches. The pleura was opened and a gathering of blood removed. After the wound had been dressed Emerson was extremely weak but is fallying slowly and the surgeons believe he will recover.

MAN DEAD, WOMAN

FATALLY SHOT

NEW YORK, March 5-Carl Muhlbach, a manufacturer of enameled letters, was found dead with a bullet through his head early today in an apartment at 345 East 85th street. In the same room lay Lena Fassnech. She also had been shot in the head, but was still alive. Muhlbach was about 45 years old and said to be a man of some means. The woman was about 35

years old. The was unconscious when taken to a hospital and the police have not yet learned the facts surrounding the shooting.

RUSSELL BOLES GUILTY OF FRIDBORN MURDER

A NEW TRIAL

NEW YORK, March 5 - Stating that he was suffering from fever, cold and leadership in this State, stating that court of Cassation Orders a Rehearing in the Famous French Army Case.

> PARIS. March 5.-The criminal branch of the Court of Cassation teday granted the appeal of Alfred Dreyfus for a revision of his trial at Rennes,

The court held that a sufficient show ng had been made to warrant a reopening of the case and ordered a supplementary investigation for the purpose of establishing all the doubtful points which have been the basis for the present application to respen the case. The decision is another marked success for Dreyfus, although it is not yet

final, owing to the extended supplementary investigation which must follow the court's decision. The decision was given at the close of the third day's hearing. Comparatively

little public interest has been taken in the sessions of the court and the court-room was almost deserted, there being less than fifty persons present at the final sension. Among those were Maitre Laborl, the famous lawyer, who de-fended Dreyfus at Rennes. Most of the day was given to the ad-dress of Maitre Mornard, one of Drey-fus's counsel. He argued that the charge made against Dreyfus is a tissue of investion. He clearly with an ele-

of invention. He closed with an elo-quent appeal, saying the honor of the army and its officers demanded the removal of the stain of this unjust con-

was out of repair and had been left at the watchmaker's, he asked the manager of the three-ball shop to let him take a cheap watch until he could redeem his own. He was thereupon given a dollar watch and resumed the game. Of course he lost, since it is the exception and not the rule to win, and while on his way home that night with a heavy load and an empty purse he was held up the second time—this by a footpad—who relieved him of the Waterbury. Next day the footpad was captured and the citizen called into court to testify against him. The witness got two-fifty and his watch back and the footpad got ten years. As the citizen poked the witness fee down in his trousers he remarked to a friend that he was the only one who had made any money out of that hold-up, and he proceeded to the pawnbroker's and lifted his ticker.

Salt Lake City has the reputation of being a great card-playing town. It is no small shakes on a whole lot of other things we read about—the polygamous game, for example. But according to reports only the old fellows can play at that. viction.
An incident occurred during M. Morn-ard's address. Counsel referred to Dreyfus's great qualities of heart and exalted character, and turned towards M. La-bori as if making a personal appeal to have his statements confirmed. Thereupon M. Labori arose and left the courtoom causing some commotion.

M. Labori was quoted as saying in the

corridor that he did not wish by his presence to confirm the eulogy pro-nounced upon his former client's heart and character.
Following M. Mornard's address the court retired, remaining closeted for an hour, and then returned and gave out the decision sustaining the appeal for a

FEDERAL COURT CALENDAR TO BE CALLED

The following calendar will be called in the Federal courtroom Monday, March 1994, at 10.0 clock: The Commercial club is reported to have resolved on aggressive stops toward the extension of sidewalk improvements. The club has undoubtedly heard of some of the latest drownings in the Eastern part of the city.

United States vs. Jesse Knight. George Gutch vs. Union Pacific Coal CMPRARY.

EVANS, Snider-Buel company vs. Asso-jated Wool-Growers' company.

Provo City vs. Telluride P. & T. Co.
Toltec Ranch company vs. Utah Sugar

Clement, administratrix, vs. De La Mar. Sievens vs. McChrystal, Farnsworth vs. Union Pacific Coal oltee Ranch company vs. Central Pafic Rallway company. Fairbanks vs. Colton Wax Union and

Fairbanks vs. Cotton was blast and bil company.
Parke vs. Ajax Mining company.
Gibson vs. Union Facific Coal company.
In re Matson, bankrupt; Wood Grocery and Provision company, obj. cred.
In re Eleak, bankrupt; Salt Lake Sadlery company, obj. cred.
In re Klenke, bankrupt; Miller et al., bi creds. President Smith adds to the number of polygamists he knows of every time he goes on the stand. The figures are already alarming. First thing we know he will reach out and get the whole town in the net.

dlery company, obj. cred.
In re Klenke, bankrupt; Miller et al., obj. creds.
In re C. L. Probasco.
In re W. H. Sherman, bankrupt.
In re William Connell, bankrupt.
In re Frank M. Cook, bankrupt.
In re Fope & Anderson, bankrupt.
In re C. E. Huddleson, bankrupt.
In re Walter C. Squires, bankrupt.
Mammoth Mining company vs. American Smelting and Refining company, to recover \$8,87.5° and interest on account due for certain shipments of copper and lead ores, being difference on agreed price upon certain shipments.

Gov. Wells probably thought that Apostis Grant would get a little loneseme in
Europe befere it will be prudent for him
to come home, so he appointed him to
represent the State at the first international congress of hygienists at Nuremberg, Germany, Mr. Grant will probably
make a report on the unamitary condition
of Utah that will edify the entire bedy.
At least he can tell the congress that the
country was not healthful enough for
him. polygamy expose had come out before the Methodists decided to hold their next general conference at Frisco, it would probably have been convened in Sait Lake City, and then there would have been mu-sic. Sait Lake would be only too happy to entertain a general conference of the Methodist church, but not during a time go acute as this.

President Smith has been reported in the newspapers as having "scored Congress." Congress has one particular advantage in such things as this, however, in that it gets the last score.

Even in our deepest affliction there are some things to be thankful for. If this

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Much it owes to blood that's good.

Good blood is healthy blood, blood that is free from impurities, inherited or acquired, and full of vitality and vigor. It's the kind of blood that is made by

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Which cures more Blood Diseases and Functional Weaknesses than any other medicine in the world.

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It used to be considered that only urinary and bladder troubles were to be traced to the kidneys, but now modern science proves that nearly all diseases have their beginning in the disorder of these most important organs. The kidneys filter and purify the blood-that

s their work. Therefore, when your kidneys are weak or out of order, you can understand how quickly your entire body is affected, and how every organ seems to fall to do its duty.

If you are sick or "feel badly," begin taking the great kidney remedy, Dr. Kilmer's Swamp-Root, because as soon as your kidneys begin to get better they will help all the other organs to A trial will convince anyone.

I cherfully recommend and inderse the great Remedy, Dr. Kilmer's Swamp-Root, for kidney trouble and bad liver. I have used it and derived great benefit from it. I believe it has cured me entirely of kidney and liver trouble, from which I suffered terribly. Most gratefully yours,
A. R. Reynolds, Chief of Police,

Columbus, Ga. Weak and unhealthy kidneys are responsible for many kinds of diseases, and if permitted to continue much suffering and fatal results are sure to follow. Kidney trouble irritates the nerves, makes you dizzy, restless, sleepless and rritable. Makes you pass water often during the day and obliges you to get up many times during the night. Unhealthy kidneys cause rheunatism, gravel, catarrh of the bladder, pain or dull ache in the back, joints and muscles; make your head ache and back ache, cause indigestion, stomach and liver trouble, you get a sallow, yelow complexion, make you feel as though you had heart trouble; you may have plenty of ambition, but no strength; get weak and waste

The cure for these troubles is Dr. Kilmer's Swamp-Root, the world-famous kidney remedy. In taking Swamp-Root you afford natural help to Nature, for Swamp-Root is the most perfecthealer and gentle aid to the kidneys that is known to medical science.

How to Find Out

If there is any doubt in your mind as to your ondition, take from your urine on rising about four ounces, place it in a glass or bottle and let it stand twenty-four hours. If on examination it s milky or cloudy, if there is a brick-dust settling, or if small particles float about in it, your kidneys are in need of immediate attention

Swamp-Root is pleasant to take and is used in the leading hospitals, recommended by phy-sicians in their private practice, and is taken by doctors themselves who have kidney ailments, because they recognize in it the greatest and nost successful remedy for kidney, liver and bladder troubles.

genuineness of this offer.

(Swamp-Root is pleasant to take.)

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This great remedy seems a lidary, liver, bladder and Cer arid tenuties and disorder

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that Swamp-Root is what you need, you can purchase the regular 50-cent and \$1 size bottles at the drug stores everywhere. Don't make any mistake, but remember the name. Swamp-Root, Dr. Kilmer's Swamp-Root, and the address. Binghamton, N. Y., on every

EDITORIAL NOTE .- So successful is Swamp-Root in promptly curing even the most distressing cases of kidney, liver or bladder troubles, that to prove its wonderful merits you may have a sample bottle and a book of valuable information, both sent absolutely free by mail. The book contains many of the thousands upon thousands of testimonial letters received from men and women cured. The value and success of Swamp-Root is so well known that our readers are advised to send for a sample bottle. In sending your address to Dr. Kilmer & Co., Binghamton, N. Y., be sure to say you read this generous offer in The Salt Lake Sunday Tribune. The proprietors of this paper guarantee the

Razor Strops and Razors IS SOMETHING WE MAKE A SPECIALTY OF, AND WE WILL GUARANTEE EVERY RAZOR WE SELL. YOU CAN BUY A GOOD RAZOR FOR \$1.50.

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skin blemishes, due to wind and weather. Splendid Massage Cream. jars, 50c, one-pound jars, 75c.

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